



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: ) Group Art Unit: 2811  
Jinichi SATO )  
Application No. 10/828,882 )  
Filed: April 21, 2004 )  
For: Semiconductor Thin Film and Method )  
of Fabricating Semiconductor Thin )  
Film, Apparatus for Fabricating Single )  
Crystal Semiconductor Thin Film, and )  
Method of Fabricating Single Crystal )  
Thin Film, Single Crystal Thin Film )  
Substrate and Semiconductor Device )

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO NOTICE OF OMITTED ITEM(S)**  
**IN A NONPROVISIONAL APPLICATION**

Dear Sir:

In response to the Notice of Omitted Items dated October 18, 2004, Applicant submits the remittance copy of the Notice, and a copy of a Preliminary Amendment filed with the United States Patent and Trademark Office on the same day as this Response. The Preliminary Amendment requests figure 16 of the specification of parent application number 09/946,898 filed on September 5, 2001, from which the present application claims priority, be entered into the present patent application. A Preliminary Amendment Pursuant to 1.53(b) was submitted on April 21, 2004 with the initial filing which amended the Related Application Data to indicate that the present application is a divisional of application 09/946,898, filed on September 5, 2001. Specifically, figure 16 was incorporated by reference from the parent application No. 09/946,898 in the Preliminary Amendment. Accordingly, the failure of Applicant to file a petition under options (I) or (II) of the Notice of Omitted Items dated October 18, 2004 is not constructive.

acceptance by Applicant of the application as deposited in the United States Patent and Trademark Office on April 21, 2004.

The Commissioner is hereby authorized to credit overpayments or to charge any deficiency in connection with this filing to Deposit Account No. 19-3140. A duplicate copy of this sheet is enclosed.

Dated: December 17, 2004

Respectfully submitted,

By:

Charles H. Livingston, Reg. No. 53,933  
Customer No. 26263  
314.259.5822



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/828,882	04/21/2004	Junichi Sato	09792909-5921

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CONFIRMATION NO. 5622

## FORMALITIES LETTER



\*OC000000014116507\*

Date Mailed: 10/18/2004

RECEIVED 10/21/04 DOCKET  
 DOCKETED  
 DIARIED 10/24/04  
 BY: SJM

NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

A filing date has been accorded to the above-identified nonprovisional application papers; however, the following item(s) appear to have been omitted from the application:

- Figure(s) 16 described in the specification.

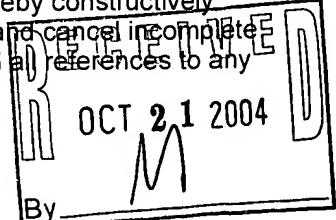
I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

Applicant is advised that generally the filing fee required for an application is the filing fee in effect on the filing date accorded the application and that payment of the requisite basic filing fee on a date later than the filing date of the application requires payment of a surcharge (37 CFR 1.16(e)). To avoid processing delays and payment of a surcharge, applicant should submit any balance due for the requisite filing fee based on the later filing date being requested when submitting the omitted items(s) and the petition (and petition fee) requesting the later filing date.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) OR (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (i.e., the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any



omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabeled drawing figures, is required. A copy of the drawing figures showing the proposed changes in red ink should accompany with any drawing changes . Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

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*A copy of this notice MUST be returned with the reply.*

  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE